

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs June 27, 2006 at Knoxville

STATE OF TENNESSEE v. WILLIAM CLAY BOHANAN, JR.

Appeal from the Criminal Court for Davidson County
No. 2003-D-2479 Steve R. Dozier, Judge

No. M2005-01205-CCA-R3-CD - Filed December 4, 2006

The defendant, William Clay Bohanan, Jr., was convicted by a Davidson County jury of two counts of first degree felony murder and one count of aggravated arson. The trial court sentenced the defendant to concurrent life sentences for each felony murder conviction and imposed a consecutive 20-year sentence for the aggravated arson conviction. On appeal, the defendant complains that the evidence is insufficient to support his convictions and that the trial court erred in admitting testimony of domestic violence between the defendant and a woman with whom the defendant was involved. After thoroughly reviewing the record and the applicable authorities, we hold that no error exists and affirm the defendant's convictions.

Tenn. R. App. P. 3; Judgments of the Criminal Court are Affirmed.

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which JOSEPH M. TIPTON, P.J., and ROBERT W. WEDEMEYER, J., joined.

Michael A. Colavecchio, Nashville, Tennessee, for the Appellant, William Clay Bohanan, Jr.

Michael E. Moore, Acting Attorney General & Reporter; Renee W. Turner, Assistant Attorney General; Victor S. Johnson, III, District Attorney General; and Brian Holmgren and Katrin Miller, Assistant District Attorneys General, for the Appellee, State of Tennessee.

OPINION

Midmorning, on September 30, 1993, a fire erupted and engulfed a duplex residential unit at 239 Bonnalynn Drive in the Hermitage area of Davidson County. Tracy Lee Perger and two of her children, Miles and Jessica Crutcher, were inside the residence at the time. The Nashville Metro Fire Department rescued the trio and transported them to an area hospital. Ms. Perger was treated for smoke inhalation and released. Her children remained in the hospital unconscious and on life support. An EEG failed to detect brain activity in either child, and the following day, Ms. Perger authorized the medical providers to discontinue life support.

At the time of the fire, the defendant resided in the other one-half of the duplex, and he and Ms. Perger first met when she moved into the duplex on July 4, 1993. Shortly thereafter, she and the defendant developed an intimate relationship. On the morning of the fire, the defendant was in his residence. Reginald Turner, who lived in a neighboring duplex, spotted smoke coming from Ms. Perger's duplex unit. Mr. Turner began yelling, "Fire" and approached the duplex. He encountered the defendant in the entry hall of the duplex, and the defendant asked what was wrong. When Mr. Turner mentioned the smoke, the defendant kicked open Ms. Perger's front door. Mr. Turner crossed the threshold but immediately encountered flames in the living room. He retreated and ran around the side of the duplex trying to find another point of entry. Firefighters arrived and evacuated Ms. Perger and her children.

On October 1, 1993, an independent insurance adjuster hired Michael Rambo, a fire and fraud private investigator, to determine the origin and cause of the fire. Mr. Rambo inspected and photographed the fire scene. From his investigation, Mr. Rambo determined that the fire started in a chair located just inside the front door on the right side of the duplex unit.

No one was arrested in connection with the fire, and law enforcement investigators closed the case as an accidental fire. However, in early 2000 Detective Joseph Towers received information that prompted him to reopen the case and launch a new investigation. Bill Pridemore, a "cold-case" detective, assisted with the investigation, and the two officers reinterviewed known witnesses and located new witnesses. The detectives made numerous efforts to speak with the defendant who was still living in the Hermitage area, but he never acknowledged or responded to any of their telephone calls, letters, or visits to his residence. Even so, based on other evidence and witness statements, a Davidson County grand jury returned an indictment charging the defendant with two counts of felony murder, one count of aggravated arson, and one count of arson.

The detectives planned to arrest the defendant on October 29, 2003, and they enlisted the help of 10 to 20 SWAT team members. The defendant refused to come out of his residence, even after the officers fired tear gas into the house. The officers resorted to breaking down the door, and after searching the premises, they located the defendant in the attic between the ceiling joists underneath a layer of insulation.

After his arrest, the defendant was detained pending trial. He was housed on the third floor of the Criminal Justice Center designated for "special needs" inmates, and on June 20, 2004, he escaped from custody along with two other inmates. Four days later, James Upchurch, a dog handler with the Metro police department, tracked the defendant to the Hamilton Creek area of Percy Priest Lake where the defendant was apprehended.

Trial on the felony murder and aggravated arson charges commenced January 10, 2005, slightly more than 11 years after the fire that claimed the lives of Miles and Jessica Crutcher.¹ The defendant contested that he was the person who set the fire. In the light most favorable to the

¹ The single count of arson was severed from the trial of the felony murder and aggravated arson charges.

State, the evidence at trial demonstrated that Tracy Perger was a divorced mother of three children, and the oldest child, Paul, was six years old. Ms. Perger and her family moved into the Bonnyalynn Drive duplex on July 4, 1993. At that time, the defendant was living in the “B” side of the duplex with Horace Worhl and Holley Hurdle. Worhl and Hurdle moved out in late August or early September.

Ms. Perger was employed as a taxi cab operator. She testified that as part of the regular family routine, she would rise at 8:30 a.m. and feed the children breakfast. Paul, the oldest child, would dress for school and leave the apartment at approximately 8:50 a.m. Ms. Perger’s neighbor, Reggie Turner, drove his children and Paul to school. Ms. Perger explained that when Paul left for school, the front door usually remained unlocked. She and the younger children dressed and spent time together until it was time to pick up Paul from school. Ms. Perger testified that she would pick up Paul and Mr. Turner’s children, drive the Turner children to their residence, take her children to her mother’s house, and begin working. She usually drove the cab until approximately 11:30 p.m., at which time she would retrieve her children, take them home, and put them to bed. For approximately one hour, Ms. Perger would visit with the defendant in his apartment; they kept both front doors open to allow her to see into her living room. Afterwards, she would return to her apartment and retire for the evening.

Ms. Perger recounted a confrontation with the defendant on September 27, 1993. The previous evening, she had returned home early at 10:00 p.m. Approximately 15 minutes later, Jerry Cox appeared at her door looking for the defendant. Ms. Perger had met Mr. Cox and knew him to be the defendant’s friend. The defendant was not at home, and Ms. Perger invited Mr. Cox to wait in her apartment until the defendant arrived, which he did at 11:00 p.m. Ms. Perger testified that the next day, the defendant accused her of “sleeping with” Mr. Cox; the defendant was extremely angry at the time. Ms. Perger denied any such relationship, and she left and drove to the home of her parents, who were having a birthday party for Ms. Perger. The defendant drove to the parents’ home and apologized to Ms. Perger for “going off” on her. He persuaded Ms. Perger’s mother to keep the children while he took Ms. Perger out to celebrate her birthday.

Ms. Perger testified that three days later, she began her morning routine with the children. Paul dressed and left for school. She assumed, but could not say for certain, that Paul left the door unlocked on his way to school. Ms. Perger began selecting clothing to wear, and “[t]he next thing [she] remember[ed] was sitting on the edge of [her] bed and the living room was on fire.” She gathered up the children, took them to their bedroom, and tried unsuccessfully to open the window. Ms. Perger heard her neighbor, Mr. Turner, calling out to her, and she “yelled” that they were in the children’s bedroom. At that point, she “breathed too soon and that[was] the last thing [she] remember[ed]” until being in the hospital. The children’s treating physician advised Ms. Perger that an EEG detected no brain activity in either child, and she authorized the hospital to discontinue the children’s life support. The children’s autopsy reports were introduced at trial by stipulation of the parties.

Ms. Perger explained that after the fire, she moved in with her parents; near the end of October, however, she moved in with the defendant, who had relocated, and remained with him until January 2004, when she began to suspect that the defendant was involved in the fire. She then terminated contact with him and moved out of state. On the morning that she moved out of the defendant's residence, the defendant accused her of starting the fire to kill herself and the younger children because she realized that it would be hard for the children growing up "in this world half black."

Two of the firemen who responded to the fire testified about the rescue efforts. They initially assessed the probable cause of the fire as a base board heater that set the couch on fire. They testified that the fire spread to the kitchen before being extinguished at 11:25 a.m.

Mr. Turner testified about taking his children and Ms. Perger's son, Paul, to school, returning home approximately 10 minutes later, and discovering smoke emanating from Ms. Perger's unit. Mr. Turner described his futile rescue attempts, and he testified that the defendant made no effort to assist after kicking open Ms. Perger's front door. Mr. Turner never observed the defendant around the apartment after the firemen arrived. Mr. Turner had no personal knowledge whether the defendant had a key to Ms. Perger's residence, but Mr. Turner had seen the defendant go in and out of the residence when Ms. Perger was away.

Richard Osborne, a contractor who performed maintenance work for the owner of the duplexes, testified that when he became aware of the fire, he attempted to rescue Ms. Perger and her children. Mr. Osborne, however, was unable to open the children's bedroom window. He recalled that Mr. Turner was also trying to help, but Mr. Osborne did not see the defendant until after Ms. Perger and the children were rescued.

The duplex owner, David Lovell, testified that Horace Worhl was the tenant who rented the "B" side of the duplex. Worhl advised Mr. Lovell that he was moving at the end of August, and when Mr. Lovell inspected the property, he discovered that the defendant had been living in the unit. The defendant told Mr. Lovell that he wanted to rent the unit, but when the defendant admitted that he was unemployed, Mr. Lovell would not agree. Mr. Lovell testified that the situation became very confrontational with the defendant announcing that he was not leaving. Mr. Lovell obtained a court judgment to evict the defendant, and the eviction deadline was September 30, the day of the fire.

Michael Rambo, the fire and fraud investigator, detailed at trial the steps of his investigation leading to his conclusion that the fire started in a chair "located just inside the front door of the right-side apartment." In his opinion, the fire was not started by a baseboard heater or by any faulty wiring in the residence. He believed the fire to have been "caused by human hands," without an accelerant, possibly using a cigarette lighter. At the time of his original investigation and report, Mr. Rambo designated the fire as accidental because he had assumed that the front door was locked such that the "kids could[have] possibly done something to[have] caused the fire in the chair." He explained, "I wasn't about to put this in a report indicating that I thought, maybe, [the

oldest child] could[have] done this, because he was a child and I didn't want him to have to live with that." Mr. Rambo testified that had he known the front door was unlocked, which provided access to other individuals, he would have designated the origin of fire as "undetermined."

The motive for starting the fire was established by Dustin Adams who testified about various incriminating admissions on the defendant's part. Adams met the defendant in October 2003, during the time both of them were housed in the Criminal Justice Center in Davidson County. Adams testified that the defendant spoke about his pending arson and homicide charges. At first, the defendant told Adams that he was in bed asleep when the fire started; several months later, however, the defendant admitted that he started the fire. The defendant said that he waited until "the white boy [Paul] went to school and the two mixed kids wasn't old enough to go to school." According to the defendant, Ms. Perger always left her doors unlocked, and the defendant explained to Adams that he entered the residence, lit the back of the couch with a cigarette lighter, and ran back to his residence and pretended to be sleeping until someone knocked on his door to report the fire. During these conversations, the defendant referred to Ms. Perger and the younger children as "worthless white trash," and the defendant confessed to Adams that he wanted to harm the younger children because of their race.

The State elicited from Kimberly Terry other incriminating statements that the defendant made about the fire. She lived with the defendant for approximately two years, from the summer of 1994 until February 1996. She knew that the defendant and Ms. Perger had a relationship, and she learned about the fire. The defendant at first claimed that he was asleep when the fire started, and he told Ms. Terry that he almost lost his cat and had to perform CPR on the cat and that he tried to save the children and performed CPR on them. He also maintained that he was with the children in the hospital when life support was terminated.

Approximately nine months into Ms. Terry's relationship with the defendant, he became abusive. During arguments, Ms. Terry would accuse the defendant of setting the fire, and once or twice the defendant replied, "Yeah, and what you gonna do about it." During the last year of the relationship, the defendant frequently threatened that if Ms. Terry ever left him, he would do "the same thing to [her] that he did to Tracy and her babies." He also told her that "nobody leaves [him]" and that "[n]obody burns [him] or [he] burn[s] them." Ms. Terry testified that on more than one occasion, the defendant admitted responsibility for the fire at Ms. Perger's residence.

The State concluded its case with the testimony of Detective Pridemore, Lieutenant Lovell, and Officer Upchurch. Detective Pridemore assisted in reinvestigating the fire and coordinating the defendant's arrest. He interviewed the defendant following the defendant's arrest, and Detective Pridemore identified a videotape of that interview. Lieutenant Lovell was responsible for the inmates on the third floor of the Criminal Justice Center. She testified about discovering that the defendant and two other inmates had escaped from custody. Officer Upchurch testified briefly about his role in using a dog to apprehend the defendant after the escape.

The defense did not present any proof at trial, and based on the evidence before it, the jury found the defendant guilty of the charged offenses of first degree felony murder and aggravated arson. The case is now before us on appeal.

I. Sufficiency of the Evidence

On appeal, the defendant mounts an evidence-sufficiency challenge to his convictions. He argues that the evidence did not conclusively show that Ms. Perger's door was unlocked thereby providing him access to her residence, that the State offered no direct evidence that he actually entered her residence on the morning of the fire, and that the State failed to prove the exact source of the fire, the manner in which it was set, and that he had the ability or desire to set the fire.

Our review of the defendant's convictions proceeds according to the well-settled guidelines. When an accused challenges the sufficiency of the evidence, an appellate court inspects the evidentiary landscape, including the direct and circumstantial contours, from the vantage point most agreeable to the prosecution. The reviewing court then decides whether the evidence and the inferences that flow therefrom permit any rational fact finder to conclude beyond a reasonable doubt that the defendant is guilty of the charged crime. *See* Tenn. R. App. P. 13(e); *Jackson v. Virginia*, 443 U.S. 307, 324, 99 S. Ct. 2781, 2791-92 (1979); *State v. Duncan*, 698 S.W.2d 63, 67 (Tenn. 1985); *State v. Dykes*, 803 S.W.2d 250, 253 (Tenn. Crim. App. 1990), *overruled on other grounds by State v. Hooper*, 29 S.W.3d 1 (Tenn. 2000).

In determining sufficiency of the proof, the appellate court does not replay and reweigh the evidence. *See State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990). Witness credibility, the weight and value of the evidence, and factual disputes are entrusted to the finder of fact. *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn. 1978); *Liakas v. State*, 199 Tenn. 298, 305, 286 S.W.2d 856, 859 (1956); *Farmer v. State*, 574 S.W.2d 49, 51 (Tenn. Crim. App. 1978). Simply stated, the court will not substitute its judgment for that of the trier of fact. Instead, the court extends to the State of Tennessee the strongest legitimate view of the evidence contained in the record as well as all reasonable and legitimate inferences that may be drawn from the evidence. *See Cabbage*, 571 S.W.2d at 835.

Relevant to this case, first degree felony murder is the "killing of another committed in the perpetration of or attempt to perpetrate any . . . arson." T.C.A. § 39-13-202(a)(2) (2003). The State need not show that the defendant intended to kill but only that he intended to commit the underlying felony. *See id.* § 39-13-202(b) ("No culpable mental state is required for conviction under subdivision (a)(2) . . . except the intent to commit the enumerated offenses or acts."); *Farmer v. State*, 201 Tenn. 107, 115, 296 S.W.2d 879, 883 (1956). An individual commits aggravated arson who "knowingly damages any structure by means of a fire . . . [w]ithout the consent of all persons who have a possessory, proprietary or security interest therein . . . [w]hen one (1) or more persons are present therein." T.C.A. §§ 39-14-301(a)(1), -302(a)(1) (2003) (defining arson and aggravated arson).

At the outset, we note that the guilt of the defendant as well as any fact required to be proved may be established by direct evidence, by circumstantial evidence, or by a combination of both. *See State v. Pendergrass*, 13 S.W.3d 389, 392-93 (Tenn. Crim. App. 1999). In fact, a criminal offense may be established exclusively by circumstantial evidence so long as the evidence excludes all other reasonable theories except that of the defendant's guilt. *See State v. Crawford*, 470 S.W.2d 610, 612 (1971). In addition, the weight of the circumstantial evidence is for the jury to determine, and this court may not substitute the jury's inferences drawn from the circumstantial evidence with our own inferences. *See Pruitt v. State*, 460 S.W.2d 385, 391 (Tenn. Crim. App. 1970).

The defendant's convictions in this case were not solely based upon circumstantial evidence. His convictions resulted from a combination of direct and circumstantial evidence. The applicable standard is simply whether any "reasonable trier of fact" could have found the essential elements of the offense beyond a reasonable doubt. *Jackson*, 443 U.S. at 319, 99 S. Ct. at 2789.

In this case, the State adduced direct evidence in the form of the defendant's statements to Dustin Adams and Kimberly Terry. The defendant told Adams that he entered Ms. Perger's residence through the front door, which he knew to be unlocked, started the fire with a cigarette lighter, and left once the fire was established. The defendant also told Adams that he wanted to harm the younger children because of their mixed race and that he waited until "the white boy," Paul, left for school. Regarding Ms. Terry, the defendant abused and threatened her that if she ever left he would do "the same thing to [her] that he did to Tracy and her babies." He also admitted on multiple occasions that he was responsible for the fire. These inculpatory statements to Adams and Terry qualify as "confessions." *See Helton v. State*, 547 S.W.2d 564, 567 (Tenn. 1977) (a confession is a statement by an accused admitting that he engaged in conduct constituting a crime; an admission is acknowledgment by an accused of certain facts that, together with other facts, tend to establish his guilt), *overruled on other grounds by State v. Cabbage*, 571 S.W.2d 832 (Tenn. 1978).

To be sure, a conviction cannot be founded solely upon a defendant's confession, *see State v. Bough*, 152 S.W.3d 453, 465 (Tenn. 2004); the law requires some corroborating evidence to establish the corpus delicti, *see State v. Smith*, 24 S.W.3d 274, 281 (Tenn. 2000). The term corpus delicti refers to "the body of the crime [or] evidence that a crime was committed at the place alleged in the indictment," and the State needs "only slight evidence of the corpus delicti . . . to corroborate a confession and sustain a conviction." *Id.*

In this case, Mr. Rambo testified that the fire was not started by a baseboard heater or by any faulty wiring in the residence. He believed the fire to have been "caused by human hands," without the necessity of an accelerant, possibly through the use of a cigarette lighter. The trial evidence established the defendant was in close proximity to Ms. Perger's residence at the time the fire started. Mr. Turner had seen the defendant go in and out of the residence when Ms. Perger was away, and Ms. Perger testified that when Paul left for school, the front door usually remained unlocked. Moreover, despite the defendant's intimate relationship with Ms. Perger, neither Mr.

Turner nor Mr. Osborne recalled the defendant attempting to assist with rescue efforts other than kicking in the front door when the smoke was first discovered. The matter of the defendant's concealment in his attic with insulation covering him and his subsequent escape while in custody reflect a consciousness of guilt. This evidence in our opinion is sufficient to corroborate the defendant's confessions, and even if the evidence is somehow regarded as "slight," nothing more is legally required.

The convicting evidence, we hold, is legally sufficient to sustain the defendant's convictions.

II. Admission of Kimberly Terry's Testimony

The only other issue the defendant raises on appeal is that the trial court should not have allowed the State to introduce evidence of the defendant's prior domestic violence involving Ms. Terry. The defendant objected at the time the evidence was offered at trial, and he preserved his objection by including it in his motion for new trial. The defendant on appeal argues in a broad and conclusory fashion that the trial court did not follow the procedure set forth in Evidence Rule 404(b) and that the alleged incidents of violence committed *after* the target crimes were irrelevant.

Evidence of other crimes, wrongs, or acts is not generally admissible to prove that an accused committed the crime in question. Tenn. R. Evid. 404. The rationale underlying the general rule is that admission of such evidence carries with it the inherent risk of the jury convicting the defendant of a crime based upon his bad character or propensity to commit a crime, rather than the conviction resting upon the strength of the evidence. *State v. Thacker*, 164 S.W.3d 208, 239 (Tenn. 2005). The risk is greater when the defendant's other bad acts are similar to the crime for which the defendant is on trial. *Id.* at 239; *see also State v. McCary*, 922 S.W.2d 511, 514 (Tenn. 1996).

Notwithstanding the general rule, evidence of other crimes, wrongs or acts may be admissible where it is probative of material issues other than conduct conforming with a character trait. Tenn. R. Evid. 404(b). To admit such evidence, the rule specifies the following:

- (1) The court upon request must hold a hearing outside the jury's presence;
- (2) The court must determine that a material issue exists other than conduct conforming with a character trait and must upon request state on the record the material issue, the ruling, and the reasons for admitting the evidence; and
- (3) The court must find proof of the other crime, wrong, or act to be clear and convincing; and

(4) The court must exclude the evidence if its probative value is outweighed by the danger of unfair prejudice.

Tenn. R. Evid. 404(b)(1)-(4).

In reviewing a trial court's decision to admit or exclude 404(b)-type evidence, an appellate court may disturb the lower court's ruling only if there has been an abuse of discretion. *Thacker*, 164 S.W.3d at 240. Its determination is entitled to deference when it has substantially complied with the procedural requisites of Rule 404(b). *See State v. DuBose*, 953 S.W.2d 649, 652 (Tenn. 1997).

We can dispose of one of the defendant's complaints in short order. Evidence Rule 404(b) does not speak in terms of "prior" crimes, wrongs, or acts. The qualifying term is "other" crimes, wrongs, or acts. These acts may be prior to, contemporaneous with, or subsequent to the offense on trial. *See State v. Elkins*, 102 S.W.3d 578, 584 (Tenn. 2003).

Next, we note that the trial court was meticulous in handling the question of admissibility and demonstrated a thorough understanding of the requirements of Evidence Rule 404(b). The trial court conducted a hearing outside the presence of the jury and required the State to proffer Ms. Terry's testimony. Ms. Terry's proffer was considerably more extensive than the testimony that the trial court ultimately permitted to be presented to the jury. For instance, in her proffer, Ms. Terry detailed an incident in October 1995 when the defendant broke her jaw, and she said the defendant hit and kicked her on other occasions and even locked her up to prevent her from calling the police. In her proffer, Ms. Terry also related that the defendant admitted being involved in at least one other fire involving another girlfriend who lived in Florida. After Ms. Terry left the defendant, he called her and said that her new vehicle was "gonna burn to the ground." Afterwards, Ms. Terry's father's van was set on fire.

The trial court made extensive Evidence Rule 404(b) findings on the record and precisely detailed the limits of Ms. Terry's allowable testimony. In relevant part, the trial court stated,

[I]n terms of the interlocking testimony that Ms. Terry has already given in the proffer, in terms of her relationship with [the defendant] and the statements she attributes to [the defendant], specifically . . . "If you burn me, I will burn you," "If you leave me, I'll do the same thing to you that I did to Tracey and those babies," "Anybody that burns me, gets burned back"; . . . obviously, those are relevant and material, to whether or not he is responsible for the crime for which he is on trial for.

And, without some history between Ms. Terry and her relationship with [the defendant], I don't think there's any way to

fairly – for the jury’s sake – fairly describe to them, in the context of these statements, how they were made, under what circumstances they were made, without some history, that history including descriptions of some domestic violence.

I do think, as well, that, when you hear from the proffer of Ms. Terry, whom I think is clear and convincing here to me, that these particular events have occurred – to some extent

. . . [T]hese statements that I’ve referred to are the Defendant’s own statements and could be considered threats intertwined with admissions.

But in order to make sense of them, or put them in some . . . sort of context, you have to understand Ms. Terry’s relationship with [the defendant].

. . . .

. . . [T]he probative value of these admissions, the burning statements and the motive statements, i.e., the girlfriends’ situations or friends’ situations, who he has had sexual relationships with, especially when you look at the timing of the fire and the allegations that Ms. Perger has testified to – in weighing those statements, I think, obviously, the probative value is great and it’s not outweighed by the danger of unfair prejudice.

. . . .

And the questions can be phrased in general about her relationship with [the defendant]; her being in fear of him, based on incidents involving where she has been injured by him and abused by him or subject to domestic violence by him, without eliciting the specific details that I’ve mentioned.

. . . .

. . . [I]n three areas, the fire in Florida, the car or the father’s van, and the apartment in Alabama, based on the weighing process, under the [fourth] factor in 404, I will not allow questions about, but do think, based on the earlier statements, that Ms. Terry should be able to describe to some extent her relationship with [the defendant].

Our appellate review easily persuades us that the trial court complied with the procedural requisites of Rule 404(b)(1)-(4). The defendant, moreover, has not demonstrated how the trial court abused its discretion in this matter. The defendant's inculpatory statements and threats directed at Ms. Terry were clearly admissible and highly relevant. The question for the trial court was whether the domestic-abuse "context" in which the statements/threats were made was admissible. We note that the trial court prudently directed the State to limit its inquiries to establishing the general nature of Ms. Terry's relationship with the defendant, without delving into specific details. The trial court also expressed appropriate concern that it would be unfair for the jury to evaluate the defendant's inculpatory admissions without some sort of historical context. This basis for admission is proper. *See State v. Gilliland*, 22 S.W.3d 266, 271 (Tenn. 2000) (evidence offered to show contextual background need not be excluded simply for the reason that it involves evidence of prior acts).

In summary, the trial court did not err in admitting limited testimony by Ms. Terry relating to her relationship with the defendant.

III. Conclusion

Based upon the record and the parties' briefs, we affirm the judgments of the trial court.

JAMES CURWOOD WITT, JR., JUDGE